



# Waganakising Odawak Regulation

Little Traverse Bay Bands of Odawa Indians

## Office of Tribal Chairman

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### FOOD SAFETY REGULATIONS

REG-WOS 2006-010 062813-002

**I. Introduction.** These Regulations are created pursuant to Waganakising Odawak Statute 2006-010, Food Safety Act to protect the community from food borne illness and disease. As an effort to enforce this protection these regulations are established to outline the guidelines put forth to set the standards for management and personnel of food operations and plan review for equipment, facilities, food establishments (both temporary and permanent), permit issuance, inspection, and compliance.

#### **II. Definitions:**

- A. **Enterprise:** shall mean any legal form of business recognized by the Tribe or established by Tribal law.
- B. **Food borne illness and disease:** means the occurrence of two (2) or more cases of a similar illness resulting from ingestion of a common food.
- C. **Food Establishment:** means a place or machine where food is served or sold for immediate consumption such as vending (including machines), restaurant, café, grill, permanent booth, portable booth, tent, trailer, or feed location.
- D. **FDA:** shall mean the most recent regulations of the U.S. Food and Drug Administration.
- E. **Permit:** shall mean a permit or license issued by LTBB to operate a food sales establishment.
- F. **Tribe:** shall mean the Little Traverse Bay Bands of Odawa Indians. (LTBB).

#### **III. Permit:**

- A. **Permit Application and Requirements.** Permit applications are available in the LTBB Facilities/Safety Department from the LTBB Tribal Facilities/Safety Director or designee. The code requirements for food preparation and sales operations shall be obtained through the LTBB Tribal Facilities/Safety Director or designee in the form of a pamphlet. All applicants must exhibit a complete plan including all information pertinent to the location where the event shall be held, what food products will be served, where food products will be obtained, and what precautions will

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be taken to prevent food contamination according to the permit application.

- B. **Permit.** Once the application process has been completed and all requirements are satisfied a permit shall be issued by the LTBB Tribal Facilities/Safety Director to operate a food establishment where food is served or sold for immediate consumption such as vending (including machines), restaurant, café, grill, permanent booth, or portable booth, tent, trailer, or feeding location permitted by these regulations and the LTBB Food Safety Act according to the submitted plan.
- C. **Fee Schedule.** The Tribe shall have the authority to establish fees with a limit not to exceed an established dollar amount per annum for permanent or temporary permits. Fees for Head Start, schools, and non profit corporations shall not exceed an established dollar amount per annum per temporary permit. Fees are established by the Tribal Council and are found in the Waganakising Odawak Statute 2006-010, Food Safety Act.

#### IV. Compliance.

- A. “To regulate”, Pursuant to Waganakising Odawak Statute 2006-010, Section III(A) LTBB has employed the LTBB Tribal Facilities/Safety Director and all staff whose duties encompass the responsibility for monitoring Tribal facilities and food programs, to utilize the most recent regulations of the U.S. FDA Food Code, as a guide in carrying out those duties.
- B. The LTBB Tribal Facilities/Safety Director shall have the authority to inspect and regulate food service locations, to include preparation, storage, distribution, cooking and serving temperatures, freezer, refrigeration logs, facility sanitary conditions, and employee hygiene during open hours of operation, assuring that all outdoor food set up locations shall be maintained in a safe and sanitary manner.
- C. The Tribe shall have the authority to inspect Food Establishments that are permitted by these regulations located within Tribal jurisdiction that are licensed or permitted by other jurisdictions such as portable kitchens at events. Inspections of facilities that are licensed under other laws by other jurisdictions shall operate in accordance with those laws or with the Tribe’s laws if the foreign laws do not provide adequate protection from food borne illness and disease. Facilities that are open to the public shall be inspected during open hours while all other inspections shall require reasonable notice.
- D. All inspection violations shall require reasonable suggested solutions on the same form as inspection violations are written. Regulation of entrepreneurial businesses in Tribal homes shall not exceed the requirements necessary to prevent significant health risks.

- E. The Tribe shall have the authority to inspect all Food Establishments on all LTBB owned and/or operated enterprises, leased or temporary used buildings and properties, and other areas within the Tribe's jurisdiction.
- F. Potlucks and traditional feasts shall not be regulated.

**V. Standards.**

- A. Food Safety Regulations apply to all LTBB food sales preparation operations, including all non-LTBB, non-Tribal owned and operated food vendors.
- B. LTBB Food Health and Safety Regulations enforcement shall be the responsibility of the LTBB Tribal Facilities/Safety Director, or designee. At the time that the permit is issued, the LTBB Tribal Facilities/Safety Director shall provide the applicant/permit holder with the following materials:
  - 1. Food Health and Safety Regulations pamphlet containing all requirements and conditions for the safe operation of a food service operation;
  - 2. A copy of the WOS 2006-010, LTBB Food Safety Act;
  - 3. A copy of Temporary & Mobile Food Service Operations pamphlet; and
  - 4. A permanent or temporary permit for the submitted plan (application).

**CERTIFICATION**

As Chairperson, I certify that I approve these Food Safety Regulations for posting.

Date: \_\_\_\_\_

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Dexter McNamara, Tribal Chairperson